

Sixth Appellate District

San Jose, California

MONDAY, JULY 23, 2007

H030046 PEOPLE v. MOFFETT

By the Court*:

Appellant's petition for rehearing is denied.

Filed: July 23, 2007

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Duffy, J.

TUESDAY, JULY 24, 2007

The following cases are submitted this date:

H031374 In re ALEXIS M., et al.; D.F.C.S. v. VANESSA M.

H029316 PEOPLE v. JOHNSON

H030460 OPERATING ENGINEERS LOCAL UNION NO. 3, et al. v. COUNTY OF MONTEREY, et al.

H030338 PEOPLE v. CASTILLO

H030388 GONZALEZ v. TAN LINES

H030605 PEOPLE v. DEVERA

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 24, 2007

H030482 PEOPLE v. CASTRO

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 24, 2007

WEDNESDAY, JULY 25, 2007

H031161 In re SOPHIA S.; SANTA CRUZ COUNTY HRA v. JOSHUA L.

We affirm the order of February 1, 2007, terminating appellant's parental rights and freeing Sophia for adoption. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed July 25, 2007

H030878 PEOPLE v. HERNANDEZ

The judgment is reversed and remanded for the sole purpose of conducting further proceedings at the election of the prosecution to determine if there is sufficient evidence to support an order requiring HIV testing pursuant to section 1202.1. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed July 25, 2007

Sixth Appellate District

San Jose, California

Wednesday, July 25, 2007 (continued)

H030255 ARMED FORCES INSURANCE EXCHANGE v. MARSHALL

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed July 25, 2007

H030246 PEOPLE v. ACEVES

The judgment is reversed. The case is remanded for the trial court to conduct an inquiry into defendant's reasons for requesting substitute counsel. If defendant fails to establish that he is entitled to substitute counsel, the trial court should reinstate the judgment. If defendant carries his burden, the court should appoint substitute counsel. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed July 25, 2007

H030106 CASSELL v. WALTERS & WOLF GLASS COMPANY

The judgment is affirmed. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed July 25, 2007

THURSDAY, JULY 26, 2007

H028397 PEOPLE v. OLVERA

The appeal is dismissed as abandoned. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 26, 2007

H029686 EMERDINGER v. TENG et al.

The judgment entered on the order granting Teng's motion for summary judgment is affirmed. (not published)
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed July 26, 2007

H030443 MERLO v. CITY OF PALO ALTO

The judgment of dismissal entered on the order sustaining the demurrer to the Third Amended Complaint without leave to amend is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed July 26, 2007

Sixth Appellate District

San Jose, California

FRIDAY, JULY 27, 2007

H030743 PEOPLE v. AGUILAR

The order requiring defendant to register as a gang member pursuant to section 186.30 is reversed. In all other respects, the judgment (order of probation) is affirmed. The case is remanded to the trial court for the People to prove, if they choose, that defendant's crime was gang related. (not published) (McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed July 27, 2007

H029942 PEOPLE v. WILLIAMS

The judgment is reversed. The matter is remanded to the trial court for resentencing or (at the People's election) retrial of the 1995 prior conviction allegation. (not published) (McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed July 27, 2007

H031166 PEOPLE v. AVALOS

The judgment is affirmed. (not published) (McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)

Filed July 27, 2007

H031586 SHANNAN B. v. THE SUPERIOR COURT OF SANTA CRUZ

Let a peremptory writ of mandate issue. The Santa Cruz County Superior Court is directed to vacate the findings made at the April 27, 2007, 12-month review hearing, including the finding that reasonable reunification services were provided, and to vacate the orders in action Nos. DP001058 and DP001059, authorizing a selection and implementation hearing pursuant to section 366.26. The Santa Cruz County Superior Court is ordered to hold further proceedings consistent with this opinion. On remand, the court shall entertain a section 352 motion for continuance of reunification services to petitioner Shannan B., beyond the statutory time. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 27, 2007